

# TDR Application Procedures:

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## **TDR Application Process**

**A. Sending Sites:** Development Rights may be sent from a property qualified as a sending site. General standards for sending sites include:

- Areas that are designated as ‘sending sites’ through a Community District Overlay.
- Areas that are designated as an environmental and resource protection overlay, historic protection overlay or agricultural overlay.
- Areas that are considered sensitive environmental lands (e.g. riparian habitats, endangered or threatened species habitat, archeological sites).
- Areas identified as agricultural land.
- Lands preserving scenic vistas, natural features, and areas of special character.

**1. Qualification Phase:** During the Qualification Phase of the TDR application process, property owners determine the number of transferable development rights on their property. This process includes a pre-application meeting with staff, a site evaluation, the TDR application and posting of the qualified TDRs on a County database to participate in the “TDR Exchange”. This TDR Exchange will include both qualified and certified development rights for sale and provides a mechanism for prospective buyers of TDRs to identify the number of TDRs available. This will create a market based mechanism for buyers and sellers to negotiate the price and sale of transferrable development rights. One of the key aspects of the qualification phase is that it allows a property owner to test the TDR market prior to severing their development rights in perpetuity.

**2. Certification Phase:** During the Certification Phase of the TDR application process, property owners complete application checklist items in order to designate a sending site on their property and sever the development rights from that sending site. The severance of development rights during this phase is achieved by the creation of a conservation easement and a survey recorded on the plat. Once the Certification Phase is complete, a property owner will receive a Santa Fe County TDR certificate for the amount of TDRs that were certified. The ‘qualified TDRs’ associated with the property that had been posted on the TDR Exchange will then be reclassified as ‘certified TDRs’, which are immediately available for purchase.

**B. Receiving Sites:** In order to be eligible as a receiving site, a property must be located in one of the following areas or zoning districts:

- Mixed Use (MU)
- Planned Development (PD)
- Industrial General (I)
- Industrial Light (IL)
- Commercial General (CG)
- Designated receiving areas
- A district rezoned to a higher density

Applications for developments utilizing TDRs follow the same process as any development application. A conditional approval for the development will indicate a need for specified number of TDRs to be acquired, and final approval will only be granted after the applicant has acquired and delivered to the County the required number of TDRs. After the TDRs are submitted for the development, they will be recorded and extinguished.